

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1646

4
5 By: Representative Christiansen
6 By: Senator Rice

For An Act To Be Entitled

9 AN ACT CONCERNING THE OFFENSE OF UNLAWFUL USE OF AN
10 UNMANNED AIRCRAFT SYSTEM; TO AMEND THE DEFINITIONS OF
11 "CRITICAL INFRASTRUCTURE" AND "UNMANNED AIRCRAFT
12 SYSTEM"; AND FOR OTHER PURPOSES.

Subtitle

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15 CONCERNING THE OFFENSE OF UNLAWFUL USE OF
16 AN UNMANNED AIRCRAFT SYSTEM; TO AMEND THE
17 DEFINITIONS OF "CRITICAL INFRASTRUCTURE"
18 AND "UNMANNED AIRCRAFT SYSTEM".

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. Arkansas Code § 5-60-103(a), concerning the definitions of
25 "critical infrastructure" and "unmanned aircraft system" for the offense of
26 unlawful use of an unmanned aircraft system, is amended to read as follows:

27 (a) As used in this section:

28 (1) "Critical infrastructure" means:

29 (A) An electrical power generation or delivery system;

30 (B) A petroleum refinery;

31 (C) A chemical or rubber manufacturing facility; ~~or~~

32 (D) A petroleum or chemical storage facility; ~~and or~~

33 (E) A railroad operating facility, including without
34 limitation a railroad right-of-way; and

35 (2)(A) "Unmanned aircraft system" means an unmanned, powered
36 aircraft that:



- 1 (i) Does not carry a human operator;
- 2 (ii) Can be autonomous or remotely piloted or
- 3 operated; and
- 4 (iii) Can be expendable or recoverable.

5 (B) "Unmanned aircraft system" does not include:

- 6 (i) A satellite orbiting the earth;
- 7 (ii) An unmanned aircraft system used by the federal
- 8 government or a person who is acting pursuant to contract with the federal
- 9 government to conduct surveillance of specific critical infrastructure;
- 10 (iii) An unmanned aircraft system used by the state
- 11 after consultation with the Governor or a person who is acting under contract
- 12 with the state to conduct surveillance of specific critical infrastructure;

13 ~~(iv)(a) An unmanned aircraft system used pursuant to~~
 14 ~~prior written authorization of the Arkansas Department of Emergency~~
 15 ~~Management.~~

16 ~~(b) The department shall provide standards for~~
 17 ~~authorizations under subdivision (a)(2)(B)(iv)(a) of this section in rules~~
 18 ~~adopted in accordance with the Arkansas Administrative Procedure Act, § 25-~~
 19 ~~15-201 et seq., after consultation with the Governor;~~

20 ~~(v)(iv)~~ An unmanned aircraft system used under a
 21 certificate of authorization issued by the Federal Aviation Administration;
 22 or

23 ~~(vi)(v)~~ An unmanned aircraft used by a law
 24 enforcement agency, emergency medical service agency, hazardous materials
 25 response team, disaster management agency, or other emergency management
 26 agency for the purpose of incident command, area reconnaissance, personnel
 27 and equipment deployment monitoring, training, or a related purpose.

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 30 **APPROVED: 3/18/19**